

CHRISTIAN SCIENCE MONITOR

15 August 1985

13
OPINION**JOSEPH C. HARSCH****US and Nicaraguan 'contras': how legal?**

WHEN President Reagan on Aug. 8 signed the new foreign aid bill, which provides \$27 million in "nonmilitary" aid to Nicaraguan rebel forces known as "contras," he asserted that "we're not violating any laws."

This was elaborated by White House spokesman Larry Speakes, who said:

"No member of the National Security Council staff has, at any time, acted in violation of either the spirit or the letter of existing legislation dealing with US assistance to the democratic resistance in Nicaragua."

Both the Reagan and Speakes assertions of non-illegality on the part of the White House referred to previous information that a member of the National Security Council staff, subsequently identified as Marine Corps Lt. Col. Oliver L. North, had been in contact with the Nicaraguan rebels in connection with their military operations in Nicaragua.

Mr. Speakes added that "contacts have been made from time to time for the purpose of receiving information and for fostering contacts."

What is all this about?

It is about the unconventional and controversial means and methods by which President Reagan has launched the second round in his undeclared war against the Sandinista regime in Nicaragua.

The first round was launched during the first year of his administration, 1981. The task was entrusted to the CIA. It led into a supposedly clandestine campaign that reached its climax in early 1984 with the mining of the harbor approaches of Nicaragua. This was followed by legislation in October of that year which banned further military aid to the forces the CIA had recruited.

This, presumably, put the CIA out of the war. The rebel forces that had been recruited by the CIA during Round 1 remained in existence, but were quiescent from mid-1984 until this spring. Now they are back in action in a second round, which has found them re-armed and raiding some 60 miles inside Nicaragua.

There is nothing new about undeclared war. The US has been in several. The first was a three-year undeclared war against revolutionary France from 1798 to 1800, during which the US Navy was hurriedly, and most efficiently, expanded from 10 to 54 men-of-war. The fledgling US Navy captured 93 French armed ships during this war for the loss of a single American ship, the schooner Retaliation (14 guns), which succumbed only to two French frigates mounting 80 guns.

The biggest undeclared war waged by the US was Vietnam. The Korean war was declared, by the United Nations. The US entered that war in response to an invitation from the Security Council of the UN to resist the North Korean aggression. In the Vietnam war President Lyndon B. Johnson committed major US forces only after the Gulf of Tonkin resolution gave him congressional authority.

This present second round in the undeclared war against the regime in Nicaragua is unique, in that it is being run not by the operational branches of the US government, but out of the White House itself. Round 1 was run by the CIA, as was the disastrous invasion of Cuba at the Bay of Pigs in 1961.

In October Congress specifically banned both CIA and Pentagon from further involvement in the war against Nicaragua. In June, Congress agreed to \$27 million in further aid to the Nicaraguan rebels, but to be used exclusively for nonmilitary purposes.

Technically the President is not violating the congressional ban by running the US side of the operations against Nicaragua out of the White House itself, instead of through the CIA and Pentagon. But it is unusual for the National Security staff, which was set up as a policymaking body, to be doing the operational work normally done by the operating departments of government.

There is no evidence on the record that any of the \$27 million has directly gone into rearming the rebels in the field. The State Department asserts that not a penny has yet been spent and that the question has not yet been decided whether allocations from the fund will be made directly from the White House or from the State Department.

But the rebels have been resupplied and rearmed and are again in the field. American reporters who saw them on the start of their march into Nicaragua describe them as wearing new boots, new uniforms, and being, for the first time, equipped with heavy weapons.

Such reports inevitably raise a suspicion in Congress that somehow their intent is being avoided by the President.

This second round is unusual in the history of undeclared wars in that the President is pushing ahead without positive congressional sanction.